

Remarks

The Examiner has rejected claims 1-5, 7, 12, 14-20 and 22 under 35 U.S.C. 103(a) as being unpatentable under van der Lely (U.S. Patent No. 5, 769,025) in view of Demirag (U.S. Patent No. 3,752,354).

First, neither van de Lely nor Demirag anticipates the claims of Applicants' invention. As the Examiner has pointed out, van der Lely is silent about at least part of the milk tank being made of a flexible material and is silent about the chamber of the tank being a variable storage volume chamber such that substantially no empty space is present in the closed chamber. Demirag does not anticipate Applicants' invention because, among other things, it is not a milking apparatus and, more importantly, it is not a closed chamber with no empty space, contrary to Examiner's assertion.

Demirag discloses a tank with variable storage. However, Demirag does not disclose a tank with a closed storage volume. Demirag discloses a tank with a filling neck 36 which is opened during filling and there is a vent pipe 38 which vents through the perforated cover 32, during filling and also during use. See also FIG. 4. This means that the disclosed storage volume has air above the fluid and the milk can dry and may form a cake on the wall of the milk tank. This defeats one of the purposes of Applicants' invention to have a closed storage volume that does not permit entrance of air that may dry milk within the tank.

Demirag teaches those skilled in the art away from the claimed invention of a closed storage volume which corresponds to the volume of milk thereby preventing the stored milk from coming in contact with air and so preventing drying of the milk which may lead to growth of bacteria on the dried-on milk.